IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2795 of 2006

NATHU & ORS.
V/S
PYARA & ORS.

Mr. SP BHATI for Mr. RAKESH ARORA, for the appellant / petitioner

Mr. SANDEEP SARUPARIA & Mr. GJ GUPTA, for the respondent

Date of Order : 25.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

The learned trial court by the impugned order has granted temporary injunction in the mandatory form directing the petitioner to restore the condition as it existed at the time of site inspection by the first commissioner by reversing the changes which have been noticed in the site inspection of the second commissioner. This order has been upheld by the learned Appellate Court vide impugned order dt. 17.11.2005.

This writ petition was filed on 3.4.2006, and vide order dt. 26.5.2006 only show cause notice was issued. Today it is informed by the learned counsel for the respondent that in compliance of the impugned order, the changes have been effected, and the way has been opened.

In my view, in these circumstances, it would not be appropriate to interfere in the impugned orders in my writ jurisdiction so as to again upset the things. In that view of the matter, the writ petition is dismissed summarily. However, the learned trial court is directed to decide the suit most expeditiously.

(N P GUPTA),J.

/Sushil/